

**MINUTES**  
**WARRICK COUNTY AREA BOARD OF ZONING APPEALS**

Regular meeting held in Commissioners Meeting Room,  
Third Floor, Historic Court House,  
Boonville, IN  
Monday, January 23, 2012, 6:00 PM

**PLEDGE OF ALLEGIANCE:** A moment of silence was held followed by the Pledge of Allegiance

**MEMBERS PRESENT:** Larry Willis, Don Mottley, Mike Winge, and Jeff Valiant.

Also present were Morrie Doll, Attorney; Sherri Rector, Executive Director; and Christy Powell, Staff.

**MEMBERS ABSENT:** Tina Baxter, Terry Dayvolt, and Judith Writsel

Roll call was taken and a quorum was declared present. Mrs. Rector welcomed and introduced the new Board Member, Jeff Valiant, from the Town of Elberfeld and stated he will be on the Board of Zoning Appeals and the Area Plan Commission Board.

**ELECTION OF OFFICERS:**

Mrs. Rector stated the first order of business is to elect a Chairman of the Warrick County Board of Zoning Appeals to serve during 2012.

Mike Winge made a motion to elect Larry Willis as Chairman.

Don Mottley seconded.

Mrs. Rector asked if there were any other nominations. Being no other, she asked for a motion to close the nominations.

Don Mottley made a motion to close the nominations and elect Larry Willis by acclamation. The motion was seconded by Mike Winge and unanimously carried.

The Executive Director turned the meeting over to the Chairman.

The Chairman stated the next order of business is to elect a Vice-Chairman of the Warrick County Area Board of Zoning Appeals to serve during 2012.

Larry Willis made a motion to elect Don Mottley as Vice-Chairman. Mike Winge seconded the motion.

Larry Willis made a motion to close the nomination and to elect Don Mottley by acclamation.

The motion was seconded by Mike Winge and unanimously carried.

### **ATTORNEY APPOINTMENT**

Mrs. Rector stated the Area Plan Commission appointed Morrie Doll as the Attorney for the next 2 years and he has a contract that included the Board of Zoning Appeals and the Chairman will need to sign it unless there is any objection by the Board. There was none.

Attorney Doll thanked the Board.

### **SET MEETING DATES, TIME, AND PLACE:**

The Chairman stated the Board needs to approve the meeting dates and times. He stated meetings are to be held on the 4th Monday at 6:00 PM each month in the Commissioners Meeting Room, Third Floor, Court House, Boonville, Indiana; except for December which will be December 17, 2012, on the 3<sup>rd</sup> Monday, due to the holidays.

Mike Winge made a motion to accept the listed 2012 meeting dates, time and place.

Don Mottley seconded and the motion carried.

### **ADOPTION OF RULES AND REGULATIONS:**

Mrs. Rector stated she would like to continue this until the next meeting so they can make sure none of the new ordinances that were just passed conflict with any of the rules they have so they should continue using 2011 until then.

Don Mottley made a motion to continue the adoption of the rules and regulations to the February meeting.

Mike Winge seconded and the motion carried.

### **MINUTES:**

To approve the minutes of the last regular meeting held November 28, 2011 and the 'no business' minutes of December 19, 2011.

Mrs. Rector asked the Attorney if Jeff Valiant could vote on approving them since he wasn't a member then or should they continue the approval until next month.

Mr. Mottley stated he was absent on the November meeting so he shouldn't vote either.

Chairman Willis asked the Attorney if they should also continue the December approval as well.

Attorney Doll recommended they do that.

Chairman Willis entertained a motion to continue the November and December minutes until the February meeting.

Mike Winge made a motion to continue the approval of the minutes from the November and December meetings until the February meeting.

Larry Willis seconded and the motion carried.

**BZA-SU-12-01**

**APPLICANT:** Bryan S. Gebhardt. **OWNERS:** Bryan S. & Deborah A. Gebhardt

**PREMISES:** Property located on the S side of Long Rd. approximately 1000 feet SW of the intersection formed by Long Rd. and Yankeetown Rd. Boon Twp. Lt 2 in Victoria Subdivision. *2077 Long Rd.*

**NATURE OF CASE:** Applicant requests a Special Use (SU 12) from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County to allow a home occupation for the purpose of transferring shotguns, rifles, or handguns directly from the manufacturer / store / dealer or otherwise responsible person to customers with no retail sales on the premises in an “A” Agriculture and “CON” Recreation and Conservancy Zoning District. *Advertised in the Boonville Standard January 12, 2012* **APPLICATION WITHDRAWN**

Chairman Willis stated the applicant has withdrawn the application and his filing fee was refunded.

Mrs. Rector stated she talked to the State Board of Accounts and they told her they could refund his money so that is what they have done.

Mike Winge made a motion to remove BZA-SU-12-01 from the agenda.

Larry Willis seconded and the motion carried.

**BZA-SU-12-02**

**APPLICANT:** Top Shot Guns, LLC by Alan Lowe, Pres. **OWNERS:** Alan & Angela Lowe

**PREMISES:** Property located on the S side of Kevin Ct. approximately 365 feet W of the intersection formed by Kevin Ct. and Lincoln Pt. Dr. Lt 66 in Lincoln Pointe Estates Subdivision. Ohio Twp. *6081 Kevin Ct.*

**NATURE OF CASE:** Applicant requests a Special Use (SU 12) from the requirements as set forth in the Comprehensive Zoning Ordinance in effect for Warrick County to allow a home occupation for the purpose of customizing new rifles, shotguns and pistols with bipods, grips, stocks etc. all purchased directly from the manufacturer or distributor as ordered by customer.

No customers will visit property. Sales via internet or telephone. Incoming deliveries via US Mail or UPS. Customer deliveries via US Mail, Fed Ex or personal delivery to customers in an “R-1” One Family Dwelling Zoning District. *Advertised in the Boonville Standard January 12, 2012* **APPLICATION WITHDRAWN**

Don Mottley made a motion to remove BZA-SU-12-02 from the agenda.

Mike Winge seconded and the motion carried.

**OTHER BUSINESS:**

None.

**ATTORNEY BUSINESS:**

None.

**EXECUTIVE DIRECTOR BUSINESS:**

Mrs. Rector stated the Board has in their packets pages they need to replace in their Zoning Ordinances that were approved by the Commissioners.

Mr. Willis stated he wanted to welcome Mr. Valiant to the Board of Zoning Appeals. He stated most meetings are not this brief. He stated to the rest of this Board he appreciates the service they did last year and as they all are aware of it is very important they make as many of these meetings that they can because the public expects them to act on the applications and it takes at least four of them to make a quorum and if there’s only four that come to the meeting it takes all of the members to vote the same way and it is not fair in his opinion if they just have four to make that decision. He stated it is embarrassing to Mrs. Rector and himself to tell the people they can’t hear their petition if they don’t even have enough Board Members for a quorum and that has happened before. He stated he wanted to thank everyone for making the effort to be here every month.

Mrs. Rector stated and tonight Mr. Dayvolt said he was going to be here and then he got called out at the last minute to go on the road. She stated and today Mrs. Baxter got called last minute to have a test done. She continued and Mrs. Writsel was kind enough to get back on the Advisory Council and agreed to be on the Board. She stated the lady from Lynnville that was on there couldn’t attend the meetings, Tony Curtis was going to, and he works nights now so he couldn’t, so Mrs. Writsel agreed to get back on and serve another year. She stated unfortunately she has a class in the evenings, just two during the whole year that conflicts with these meetings and of course tonight was one of them. The office knew that upfront so it is not that they just didn’t show up.

Chairman Willis agreed, he stated each and every one of the Board Members have things that come up and that is why it is so important that they make every effort to be there if possible. He stated he does appreciate everyone coming and giving up their time to serve on the Board.

Being no other business Mike Winge made a motion to adjourn.

Jeff Valiant seconded and the meeting adjourned at 6:15 p.m.

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Larry Willis, Chairman

ATTEST:

The undersigned Secretary of the Warrick County Board of Zoning Appeals does hereby certify the above and foregoing is a full and complete record of the Minutes of said Board at their monthly meeting held January 23, 2012.

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Sherri Rector, Executive Director